

### REMARKS

Applicant has carefully reviewed the office action mailed December 8, 2005 and offers the following remarks to accompany the above amendments.

The invention relates to a method of remotely controlling a firewall from a firewall controller in order to permit the flow of packet data through the firewall. The firewall controller can be a call server in a VoIP telephony system such as a media gateway controller. The method includes having the firewall controller determine the need for a pinhole in the firewall. This occurs when a media gateway endpoint on the secure side of the firewall either wishes to place a call to an endpoint outside the firewall or receive a call from an endpoint outside the firewall. Both of these events are made known to the media gateway endpoint's call server. The firewall controller sends a request to the firewall requesting that a pinhole be opened for a specific address pair corresponding to the respective media gateway endpoints involved in the call. The firewall carries out the request and opens a pinhole. Upon termination of the call, the firewall controller determines that the pinhole is no longer needed and sends a request to the firewall to close the pinhole. The firewall then closes the pinhole.

Claims 1-29 were rejected under 35 U.S.C. § 102(e) as being anticipated by Bendinelli et al. (hereinafter "Bendinelli"). Applicant respectfully traverses. For a reference to be anticipatory, the reference must disclose each and every claim element. Further, the elements of the reference must be arranged as claimed. MPEP § 2131. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

As stated above, the present invention and each of the independent claims relate to providing direct communications between a firewall and a firewall controller, such that the firewall controller can send requests to open and close pinholes in the firewall. The benefit of the invention lies in its ability to dynamically manage a pinhole in a private network firewall, such that VoIP communications between endpoints on the private network and endpoints on a network beyond the firewall do not compromise the security of the private network (see page 3, lines 11-15 of the specification). In particular, the present invention avoids using protocol specific proxies, which use an alternate path into the secure private network, as pointed out by the Applicant in the background of the invention (page 3, lines 3-7 of the specification).

Figures 15A and 15B, as well as the supporting specification, of Bendinelli use an alternate proxy, referenced as a proxy module 1520, to provide an alternate path into the private network. There is no direct communications between a firewall controller and a firewall. Instead, the proxy module 1520 coordinates with the respective gateways, 1510 or 1530, to bypass the respective firewalls. See column 39, lines 1-7, wherein Bendinelli specifically states that proxy module 1520 is used as a hairpin, thereby "...bypassing the firewall 1591 of the second gateway 1530." Similar operation is provided for the embodiment illustrated in Figure 15B of Bendinelli.

Importantly, Bendinelli fails to disclose a firewall controller directly communicating with a firewall to open and close pinholes through the firewall. Requirements for anticipation are strict, and Bendinelli fails to anticipate independent claims 1, 8, 12, 15, 16, 21, and 25-27. Further, Bendinelli actually teaches away from the concepts of the present invention. In fact, the present invention is trying to overcome the limitations of using proxies, such as those recommended by Bendinelli.

Claims 4, 11, 20, 24, and 26 deserve special mention in that they define a firewall controller as a media gateway controller. Bendinelli fails to disclose a firewall controller being a media gateway controller. The Patent Office admits this on page 5 of the office action mailed December 8, 2005.

Claims 6, 9, 13, 18, 22, and 27-29 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Bendinelli in view of Kimchi et al. (hereinafter "Kimchi"). Applicant respectfully traverses. For the Patent Office to establish *prima facie* obviousness, the Patent Office must show where each and every element of the claim is taught or suggested in the combination of references. MPEP § 2143.03. If the Patent Office cannot establish obviousness, then the claims are allowable.

As indicated above, Bendinelli fails to disclose the direct communication between a firewall controller and a firewall to open and close pinholes within the firewall. Kimchi fails to remedy the deficiencies of Bendinelli with regards to opening and closing pinholes in the firewall. Since Bendinelli and Kimchi fail to teach or suggest all of the elements in the claims, the Patent Office has failed to establish *prima facie* obviousness to support these rejections.

Claims 4, 11, 20, and 24 were not formally rejected under 35 U.S.C. § 103(a) in this office action but appear to be rejected as being unpatentable over Bendinelli in view of Kimchi. Applicant respectfully traverses.

Rejections for claims 4, 11, 20, and 24 were indicated on page 5 of the office action mailed December 8, 2005. The Patent Office stated that Bendinelli does not disclose that a firewall controller is a media gateway controller and uses a reference to the media gateway control protocol in Kimchi to disclose this element. Simply finding a statement that the media gateway control protocol controls media gateways to establish media sessions falls vastly short of the requirement of the Patent Office to show where the element as claimed is specifically taught or suggested. Further, the Patent Office fails to provide actual evidence of motivation to combine Bendinelli with Kimchi. The Patent Office is reminded that the combination of references must show each element then provide evidence as to why the references should be combined. The element of a firewall controller being a media gateway controller is clearly absent. Further, there is no actual evidence to support the combination even if the element were present. Accordingly, claims 4, 11, 20, and 24 define patentable subject matter.

Claims 7, 10, 14, 19, and 23 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Beninelli in view of Putzolu et al. (hereinafter "Putzolu"). Applicant respectfully traverses. The standards for obviousness are set forth in the above.

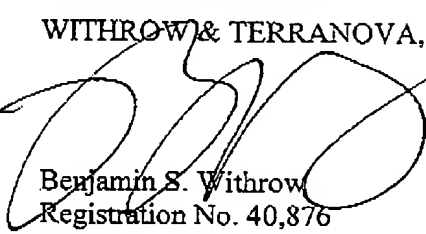
As indicated, Bendinelli fails to teach or suggest the broader concept of allowing a firewall controller to control a firewall to open and close pinholes. Putzolu fails to remedy this deficiency, even though there is a mention of sending messages using a common open policy services protocol. Again, the Patent Office must show where each and every element is taught or suggested in the combination of references. Every element is not found in this combination. Further, there is no actual evidence cited as to why the combination should be made, even if the elements were taught or suggested.

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

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